

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

WILLIE J. SMITH, JR.

Petitioner,

vs.

BRIAN WILLIAMS, et al.,

Respondents.

Case No. 2:14-cv-00739-JAD-PAL

ORDER

The court referred this action to the United States Court of Appeals for the Ninth Circuit for it to determine whether to authorize petitioner to file a second or successive petition, as required by 28 U.S.C. § 2244(b). Order (Doc. 6). Petitioner has submitted a motion for reconsideration (Doc. 8), asking the court to certify his claim of actual innocence. Petitioner is directing his motion to the wrong court. The court of appeals, not this court, must issue the authorization. 28 U.S.C. § 2244(b)(3).

IT IS THEREFORE ORDERED that petitioner's motion for reconsideration (Doc. 8) is **DENIED**.

Dated: September 26, 2014.


JENNIFER A. DORSEY
United States District Judge